

Message Text

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SUBJ: PQ GOVERNMENT TABLES REFERENDUM LAW

REF: QUEBEC 0320

1. THE QUEBEC GOVERNMENT TABLED ITS REFERENDUM LAW YESTERDAY, DEC. 21. THE BILL, KNOWN AS BILL 92, CONFORMS IN MOST RESPECTS TO THE GOVERNMENT'S WHITE PAPER PRESENTED LAST AUGUST (REFTEL). BILL 92 PASSED FIRST READING UNANIMOUSLY LAST NIGHT, BUT WILL PROGRESS NO FURTHER AS THE CURRENT NATIONAL ASSEMBLY SESSION WILL CLOSE, IN ALL LIKELIHOOD, EITHER TODAY OR TOMORROW. A NEW SESSION WILL BEGIN FEBRUARY 14 AND THE BILL WILL BE REINTRODUCED AT THAT TIME. PARLIAMENTARY REFORM MINISTER ROBERT BURNS, WHO WILL FLOOR-MANAGE THE BILL, INDICATED THAT NO PARLIAMENTARY COMMITTEE HEARINGS WILL BE HELD SINCE SUCH HEARINGS HAVE ALREADY BEEN CONDUCTED ON THE WHITE PAPER.

2. WHILE BASICALLY SIMILAR TO THE WHITE PAPER, THE NEW BILL CONTAINS A NUMBER OF SIGNIFICANT CHANGES DRAFTED IN RESPONSE TO OPPOSITION CRITICISM. THE MOST IMPORTANT ARE:
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3.--CREATION OF A "REFERENDUM COUNCIL" TO RULE ON LEGALITIES PERTAINING TO THE APPLICATION OF THE LAW DURING A REFERENDUM CAMPAIGN. THE COUNCIL WILL CONSIST OF THE CHIEF JUSTICE OF QUEBEC'S SUPERIOR COURT AND TWO OTHER SUPERIOR COURT JUDGES TO BE NAMED LATER BY THE GOVERNMENT. THE COUNCIL IS A RESTRICTED VERSION OF A PROPOSAL BY THE OPPOSITION UNION NATIONALE PARTY.

BURNS SPECIFIED TO REPORTERS THAT THE COUNCIL'S DECISIONS, WHICH WILL BE FINAL AND NOT SUBJECT TO APPEAL, WILL DEAL ONLY WITH THE MECHANICS OF THE REFERENDUM LAWS. THE COUNCIL WILL NOT PRT NOT HAVE ANY SAY IN THE FORMULATION OF THE REFERENDUM QUESTION, ALTHOUGH IT COULD BE "CONSULTED" ON THE QUESTION BY THE GOVERNMENT.

4.--A SLIGHT EASING OF RULES REGARDING CAMPAIGN FINANCING AND PARTICIPATION. THE NEW BILL, UNLIKE THE WHITE PAPER, PERMITS INDIVIDUALS TO PARTICIPATE IN THE CAMPAIGN WITHOUT GOING THROUGH AN UMBRELLA COMMITTEE, SO LONG AS THE INDIVIDUAL'S EXPENSES ARE "REASONABLE," I.E. LIMITED TO FOOD, LODGING, AND TRAVEL COSTS. FURTHERMORE, AN INDIVIDUAL WILL BE PERMITTED TO HOLD PUBLIC MEETINGS AS LONG AS RENTAL OF A MEETING HALL COMES TO LESS THAN DOLS 300.

5.--BALLOTS WILL BE IN BOTH FRENCH AND ENGLISH OR, IN NATIVE COMMUNITIES, IN FRENCH AND THE NATIVE TONGUE. (FRENCH NATIONALIST GROUPS HAVE STRONGLY OPPOSED BILINGUAL BALLOTS, AND IMMEDIATELY LABELLED THIS PROVISION A "SELLOUT." THE GOVERNMENT'S HAND HAD BEEN TIPPED TWO WEEKS AGO, HOWEVER, WHEN PRIME MINISTER LEVESQUE TOLD NEWSMEN THAT HE HAD NO OBJECTION TO A BILINGUAL BALLOT.)

6. DESPITE THESE MODIFICATIONS, THE MOST CONTROVERSIAL PROVISIONS OF THE WHITE PAPER HAVE BEEN RETAINED IN THE NEW BILL. THE WORDING OF THE QUESTION AND THE TIMING OF THE REFERENDUM ARE
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LEFT ENTIRELY TO THE GOVERNMENT. ALL CAMPAIGNING MUST BE CONDUCTED THROUGH UMBRELLA COMMITTEES WHICH WILL BE THE ONLY UNITS ALLOWED TO MAKE IMPORTANT EXPENDITURES. THERE WILL BE ONE UMBRELLA COMMITTEE FOR, AND ONE AGAINST, EACH REFERENDUM OPTION. CAMPAIGN EXPENSES WILL BE STRICTLY LIMITED IN ACCORDANCE WITH QUEBEC'S NEW ELECTION FINANCING LAW.

7. OPPOSITION REACTION TO THE NEW LAW WAS MIXED, ALTHOUGH THE BILL PASSED FIRST READING UNANIMOUSLY. THE LIBERALS INDICATED THAT THEY FAVORED "THE PRINCIPLE OF A REFERENDUM" AND WOULD FIGHT THEIR BATTLES OVER SPECIFIC PROVISIONS OF THE NEW BILL IN SECOND READING. LIBERAL HOUSE LEADER JEAN-NOEL LAVOIE TOLD REPORTERS THAT HIS PARTY DID NOT INTEND TO FIGHT THE BILL "TO THE DEATH" AS HE HAD PROMISED LAST AUGUST, BUT WILL MAKE ITS MAIN STAND ON THE WORDING OF THE QUESTION ITSELF. UNION NATIONALE LEADER RODRIGUE BIRON, ON THE OTHER HAND, PRONOUNCED HIMSELF "GENERALLY PLEASED" WITH THE BILL, PARTICULARLY SINCE THE GOVERNMENT HAD ADOPTED CERTAIN OF HIS PARTY'S RECOMMENDATIONS, SUCH AS THE "REFERENDUM COUNCIL" IDEA.

8. JUDGING BY THE LACK OF HOSTILE OPPOSITION REACTION, IT NOW SEEMS THAT A BITTER PARLIAMENTARY BATTLE A LA BILL 101 MAY

BE AVOIDED. IF SO, THE REFERENDUM BILL SHOULD BECOME LAW BY
LATE SPRING.
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